

REFERENCE TITLE: elections; early voting; extended request

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HB 2540

Introduced by
Representatives Gallardo, Downing, Sinema: Cajero Bedford, Garcia M,
Kirkpatrick, Lopes, Lopez L, Lujan, Meza, Prezelski

AN ACT

AMENDING SECTION 16-542, ARIZONA REVISED STATUTES; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-542, Arizona Revised Statutes, is amended to
3 read:

4 16-542. Request for ballot

5 A. Within ninety days next preceding the Saturday before any election
6 called pursuant to the laws of this state, an elector may make a verbal or
7 signed request to the county recorder, or other officer in charge of
8 elections for the applicable political subdivision of this state in whose
9 jurisdiction the elector is registered to vote, for an official early ballot.
10 In addition to name and address, the requesting elector shall provide the
11 date of birth and state or country of birth or other information that if
12 compared to the voter registration information on file would confirm the
13 identity of the elector. If the request indicates that the elector needs a
14 primary election ballot and a general election ballot, the county recorder or
15 other officer in charge of elections shall honor the request. **IF REQUESTED
16 BY THE ELECTOR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
17 SHALL PROVIDE TO THE REQUESTING ELECTOR EARLY BALLOT MATERIALS THROUGH THE
18 NEXT TWO REGULARLY SCHEDULED GENERAL ELECTIONS FOR FEDERAL OFFICE IMMEDIATELY
19 FOLLOWING RECEIPT OF THE REQUEST.** For any partisan primary election, if the
20 elector is not registered as a member of a political party that is entitled
21 to continued representation on the ballot pursuant to section 16-804, the
22 elector shall designate the ballot of only one of the political parties that
23 is entitled to continued representation on the ballot and the elector may
24 receive and vote the ballot of only that one political party. The county
25 recorder may establish on-site early voting locations at the recorder's
26 office or any other locations in the county the recorder deems necessary.

27 B. Notwithstanding subsection A of this section, a request for an
28 official early ballot from an absent uniformed services voter or overseas
29 voter as defined in the uniformed and overseas citizens absentee voting act
30 of 1986 (P.L. 99-410; 42 United States Code section 1973) or a voter whose
31 information is protected pursuant to section 16-153 that is received by the
32 county recorder or other officer in charge of elections more than ninety days
33 next preceding the Saturday before the election is valid. If requested by
34 the absent uniformed services or overseas voter, or a voter whose information
35 is protected pursuant to section 16-153, the county recorder or other officer
36 in charge of elections shall provide to the requesting voter early ballot
37 materials through the next two regularly scheduled general elections for
38 federal office immediately following receipt of the request.

39 C. The county recorder or other officer in charge of elections shall
40 mail postage prepaid to the address provided by the requesting elector, which
41 address shall be the elector's residence address or the location where the
42 elector is temporarily residing while absent from the precinct, the early
43 ballot and the envelope for its return within five days after receipt of the
44 official early ballots from the officer charged by law with the duty of
45 preparing ballots pursuant to section 16-545. If a statewide voter

1 registration database is not yet operational and if the requesting elector
2 registered to vote for the first time in this state after January 1, 2003 and
3 has not yet voted in this state or is reregistering after January 1, 2003
4 after moving from one county in this state to another county in this state
5 and is voting for the first time at the new registration address, the early
6 ballot materials shall include notice that the person shall submit a
7 photocopy of a current form of identification that bears a photograph of the
8 person and the name of the person or a photocopy of a current utility bill,
9 bank statement, paycheck, government issued check or other government
10 document that shows the name and registration address of the person and
11 notice that if the person does not submit photocopies of the required
12 documents, the person may only vote a provisional ballot.

13 D. Only the elector may be in possession of that elector's unvoted
14 early ballot. If a complete and correct request is made by the elector
15 within thirty days next preceding the Saturday before the election, the
16 mailing must be made within forty-eight hours after receipt of the
17 request. Saturdays, Sundays and other legal holidays are excluded from the
18 computation of the forty-eight hour period prescribed by this subsection. If
19 a complete and correct request is made by an absent uniformed services voter
20 or an overseas voter before the election, the regular early ballot shall be
21 transmitted by mail, **BY** fax or by other electronic format approved by the
22 secretary of state within twenty-four hours after the early ballots are
23 delivered pursuant to section 16-545, subsection B, excluding Sundays.

24 E. In order to be complete and correct and to receive an early ballot
25 by mail, an elector's request that an early ballot be mailed to the elector's
26 residence or temporary address must include all of the information prescribed
27 by subsection A of this section and must be received by the county recorder
28 or other officer in charge of elections no later than 5:00 p.m. on the
29 eleventh day preceding the election. An elector who appears personally no
30 later than 5:00 p.m. on the Friday preceding the election at an on-site early
31 voting location that is established by the county recorder or other officer
32 in charge of elections shall be given a ballot and permitted to vote at the
33 on-site location. If an elector's request to receive an early ballot is not
34 complete and correct but complies with all other requirements of this
35 section, the county recorder or other officer in charge of elections shall
36 attempt to notify the elector of the deficiency of the request.

37 F. Unless an elector specifies that the address to which an early
38 ballot is to be sent is a temporary address, the recorder may use the
39 information from an early ballot request form to update voter registration
40 records.

41 G. The county recorder or other officer in charge of early balloting
42 shall provide an alphabetized list of all voters in the precinct who have
43 requested and have been sent an early ballot to the election board of the
44 precinct in which the voter is registered not later than the day prior to the
45 election.

1 H. As a result of an emergency occurring between 5:00 p.m. on the
2 second Friday preceding the election and 5:00 p.m. on the Monday preceding
3 the election, qualified electors may request to vote early in the manner
4 prescribed by the county recorder of their respective county. For the
5 purposes of this subsection, "emergency" means any unforeseen circumstances
6 that would prevent the elector from voting at the polls.

7 I. A candidate or political committee may distribute early ballot
8 request forms to voters. If the early ballot request forms include a printed
9 address for return to an addressee other than a political subdivision, the
10 addressee shall be the candidate or political committee that paid for the
11 printing and distribution of the request forms. All early ballot request
12 forms that are received by a candidate or political committee shall be
13 transmitted as soon as practicable to the political subdivision that will
14 conduct the election.